

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
Civil No. 15-2594(DSD/TNL)

Thomas James Fox,

Plaintiff

v.

**ORDER**

Thomas Roy, Commissioner; Penny  
Malecha, Director; Harold W.  
Clarke, Director; Agent Drew  
Evans; Special Agent Gary  
Swanson; and Investigator  
Barry Smith,

Defendants.

Thomas James Fox, #1541090, Wallens Ridge State Prison, P.O.  
Box 759, Big Stone Gap, VA 24219, plaintiff pro se

Kathryn Iverson Landrum, Assistant Attorney General, Minnesota  
Attorney General's Office, 445 Minnesota Street, Suite 1100,  
St. Paul, MN 55101-2128, counsel for defendants Agent Drew  
Evans and Special Agent Gary Swanson

Ryan M. Zipf, League of Minnesota Cities, 145 University  
Avenue W., St. Paul, MN 55103, counsel for Defendant  
Investigator Barry Smith

This matter is before the court upon the report and  
recommendation of Magistrate Judge Tony N. Leung dated December  
22, 2016. The magistrate judge recommended that the court grant  
defendants' motions to dismiss. Petitioner has not filed an  
objection to the R&R in the time period permitted.

Accordingly, **IT IS HEREBY ORDERED** that:

1. The magistrate judge's report and recommendation [ECF No.  
51] is adopted in its entirety;

2. Defendants Evans' and Swanson's motion to dismiss [ECF No. 24] is granted;

3. Defendant Smith's motion to dismiss [ECF No. 32] is granted;

4. Plaintiff's motion to amend complaint [ECF No. 46] is denied; and

5. The complaint [ECF No. 1] is dismissed.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: January 24, 2017

s/David S. Doty  
David S. Doty, Judge  
United States District Court